

Introduced by Senator Price

February 18, 2010

An act to add Chapter 10.2 (commencing with Section 4529.25) to Division 5 of the Government Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1215, as introduced, Price. Public contracts: architectural and engineering services firms: prequalification lists.

The California Constitution provides that state and other governmental entities have the choice and authority to contract with qualified private entities for architectural and engineering services, as defined. Existing law also requires that the choice and authority to contract extend to all phases of project development, including permitting, environmental studies, rights-of-way services, design phase services, and construction phase services.

This bill would authorize the Department of Transportation to establish prequalified lists of architectural and engineering services firms. The bill would authorize the department, for each category of architectural and engineering service, to establish separate lists for small, medium, and large projects by geographical area. The bill would require the department to comply with certain requirements relating to the advertisement and award of contracts in the event the department utilizes the prequalification list.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Chapter 10.2 (commencing with Section 4529.25) is added to Division 5 of the Government Code, to read:

CHAPTER 10.2. PREQUALIFICATION LISTS

4529.25. At the election of the Department of Transportation, contracts for engineering, architectural, environmental, landscape architectural, or land surveying services may be advertised and awarded in accordance with this chapter.

4529.26. For purposes of this chapter, the following terms shall have the following meanings:

(a) "Architectural and engineering services" shall have the same meaning as in Section 4529.10.

(b) "Prequalified list" means a list of architectural and engineering services firms that possess the qualifications established by the Department of Transportation to perform specific types of architectural and engineering services with each firm ranked in order of qualifications.

4529.27. The Department of Transportation may establish prequalified lists of architectural and engineering services firms in accordance with the following process:

(a) (1) For each type of architectural and engineering service for which the department elects to use this process for advertising and awarding contracts, the department shall request statements of qualifications from interested firms. The request for statements of qualifications shall be announced statewide throughout the California State Contracts Register.

(2) Each announcement shall describe the general scope of services to be provided within each generic project category, be defined such that each specific project to be awarded within that generic project category shall be substantially similar to all other projects within that generic project category, shall be the same size, range, and geographical area, and shall require substantially similar skills and magnitude of professional effort as every other project within that generic project category.

(b) For each category for architectural and engineering services, the department may establish separate lists for small, medium, and large projects by geographical area to provide opportunities for

1 various-sized firms. A firm can only be on one list for each
2 category per geographic area.

3 (c) The department shall evaluate the statements of qualifications
4 and performance data, and a list of the most qualified firms that
5 meet the criteria established and published by the department shall
6 be developed. Discussions shall be held regarding each firm's
7 qualifications with all listed firms. The firms shall then be ranked
8 according to each firm's qualifications and the evaluation criteria
9 established and published by the department.

10 (d) (1) The department shall maintain prequalified lists for not
11 more than two years. Each prequalified list shall include no less
12 than three firms. The number of firms placed on a list shall be
13 based on the anticipated workload during the life of the list. Once
14 a contract is awarded, another contract within the same geographic
15 area may not be let until 90 percent of the current contract dollars
16 have been expended.

17 (2) During the term of the prequalified lists, as specific services
18 are identified as being eligible for contracting, the department shall
19 contact the firm on the top of the appropriate prequalified list to
20 determine if that firm has sufficient staff and is available for
21 performance of the services. If that firm is not available, the
22 department shall continue to contact firms on the prequalified list,
23 in order of rank, until a firm that is available is identified.

24 (e) The department shall negotiate a contract for the project or
25 services within the identified firm, at an amount that it determines
26 is fair and reasonable. If the department is unable to negotiate a
27 satisfactory contract with the identified firm, negotiations with
28 that firm shall be terminated and negotiations shall be undertaken
29 with the next ranked firm that is available for performance. If a
30 satisfactory contract cannot be negotiated with the second identified
31 firm, negotiations shall be terminated and the negotiation process
32 shall be continued with the remaining firms, in order of their
33 qualifications, until a satisfactory contract is negotiated.

34 (f) Once a satisfactory contract is negotiated and awarded to a
35 firm from the prequalified list, that firm shall be moved to the
36 bottom of the prequalified list. If the department is unable to
37 negotiate a satisfactory contract with a firm on two separate
38 occasions, that firm shall be removed from the prequalified list.

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